

**REMARKS/ARGUMENTS**

Claims 1-39, 43-44, and 54-68 were pending in this application.

The pending claims are rejected under "Double Patenting" as conflicting with claims 1-12 of U.S. Application No. 11/049,588 and are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of co-pending application 11/049,588.

Applicant had a telephone discussion with the Examiner regarding the double patenting rejection on October 11, 2005. This response is being filed as requested by the Examiner.

Applicant would like to bring to the Examiner's attention that a Restriction Requirement dated December 22, 2004 was previously received for the present application. The Restriction Requirement requested restriction to one of the following inventions:

- I. Claims 1-39, 43-44, and 54-68, drawn to stitching and aligning a plurality of images, classified in class 382, subclass 294; and
- II. Claims 40-42 and 45-53, drawn to a method of blending stitched images, classified in class 382, subclass 284.

In the response to the Restriction Requirement filed on January 18, 2005, Applicant elected Group I, claims 1-39, 43-44, and 54-68 for further prosecution in the present application.

Subsequently, on February 1, 2005, Applicant filed a divisional application (U.S. Application No. 11/049,588; Attorney Docket No. 021106-000520US) claiming priority from the present application and comprising the non-elected claims from the present application. Accordingly, the pending claims in U.S. Application No. 11/049,588 are claims that were restricted out of the present application.

In light of the above, Applicant submits that the double patenting rejection is not proper since the Examiner has already identified the claim sets in the two applications as two different inventions.

Further, if the Examiner feels that the claims of the present application conflict with claims of co-pending U.S. Application No. 11/049,588, then the Examiner is respectfully requested to clearly identify the conflicting claims in the two applications.

In light of the above, Applicant submits that the double patenting rejection should not be raised for the present application.

Applicant submits that this response provides a proper and complete response to the Office Action dated June 28, 2005.

Information Disclosure Statement (IDS)

Applicant would like to bring to the Examiner's attention that an IDS was filed for this application on July 25, 2005.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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